MERCURY

Contracts: Reading, Writing, and Negotiating Training Course

30 May – 3 June 2027
Kuala Lumpur (Malaysia)



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Contracts: Reading, Writing, and Negotiating Training Course

Ref: 4025_253124 **Date:** 30 May – 3 June 2027 **Location:** Kuala Lumpur (Malaysia) **Fees:** 4600 Euro

Introduction

Understanding contract law has become essential to conducting our daily business functions. Whether in purchasing, contract management, subcontracts, project management, general management, or sales, you are constantly involved with legal and contract principles, sometimes without even realizing it.

Too often, the wording used in contracts needs to be properly understood by those making decisions relating to those contracts. Non-specialists are reluctant to get involved in the process of drafting and amending the documents that are critical to their Company's success. There may also be problems in assessing amendments proposed by the other party and determining whether these are reasonable or are eroding your Company's position.

In this contract negotiation seminar, participants will gather to discuss and engage actively in simulated contract negotiation scenarios. These seminars will put into practice the concepts of the contract negotiation process, with detailed attention to employment contract negotiation strategies. The emphasis here is on the practicality of contract negotiation skills training, with comprehensive guidance to empower individuals to negotiate contracts confidently and successfully while also being able to write them with precision and clarity.

Contract Negotiation and Writing

To understand and delve into the art of contract negotiation and the meticulous process of writing contracts in the course provides hands-on experience and knowledge essential for proficiency. Participants will develop indispensable skills in contract negotiation strategies, recognize and employ effective negotiation techniques, and improve their employment negotiation acumen.

The contract negotiation and writing skills course will also focus on the precision required in writing a legal contract, identifying common contractions in legal writing, and ensuring that legal terms are adequately defined and understood.

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Targeted Groups

- Contract administrators, contract professionals, and project coordinators.
- Specifiers, buyers, purchasing professionals, and procurement officers.
- Contracts managers.
- Project managers.
- Engineers or contract operatives.
- This contract negotiation and writing skills course is for persons who want to extend their skills and knowledge to the contracting area to improve their profile.

Course Objectives

At the end of this contract negotiation and writing skills course, the participants will be able to:

- Provide an understanding of contract structures and how and why contracts are drafted in particular ways.
- Enhance understanding of the legal principles behind contracts.
- Provide an understanding of some of the main clauses in different types of agreements.
- Explain the commercial impact of particular provisions.
- Discuss the differences between similar clauses in different international standards.
- Show how to write contract clauses clearly to avoid conflict.
- Develop an understanding of when to accept and reject proposed amendments, including how to give clear reasons for such rejection.
- Practice amending documents to meet particular requirements, including using special conditions.
- Provide strategies and tactics for negotiating possible contract amendments.
- Explain how to use contract provisions to reduce the risk of disputes.
- Understand where disputes do arise.
- Show how the contract can be used to minimize these disputes.
- Learn some methods by which disputes are resolved in international contracting including non-traditional approaches, such as mediation.

Targeted Competencies

At the end of this contract negotiation and writing skills course, the target companies will be able to evolve the following:

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- Understanding contract wording.
- Drafting.
- Negotiating.
- Analyzing complex documents and the inter-relationship between clauses.
- Commercial awareness.

Course Content

Unit 1: How and Why Contracts Are Drafted?

- Why do we use contracts?
- Formation of a contract.
- The key elements of a contract.
- Oral or written?
- Electronic contracts.
- Terms and conditions of the contract.
- Agency issues.
- The basic structure of a contract.
- Incorporating documents by reference.
- Standard forms - international and Company.
- Form of agreement.
- Precedence of documents - special conditions.

Unit 2: Main Contract Clauses

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- Obligation to deliver/perform.
- Rework/re-performance.
- Risk of damage.
- Title.
- Compliance with law/change of law.
- Indemnities.
- Insurance.
- Third parties.
- Liability in negligence.
- Relationship with contract conditions.
- Variations and changes:

  - The scope of the work.
  - The contract.

- Product liability and defective goods - rejection of goods.
- Intellectual property.
- Taxation.
- Suspension and termination.
- Acceptance and certificates.
- Payment.
- Liquidated damages/penalties.
- Limits of liability.
- Guarantee/warranty/maintenance.
- Which law to apply in international contracts?

Unit 3: Other Documents

- Incorporating tender documents.
- Letters of intent or award.
- Letters of comfort or awareness.
- Side letters.
- Bank bonds and guarantees.
- Parent company guarantees.

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Unit 4: Writing Contracts

- Clarity of language.
- Legal terms.
- Definitions.
- Translation.
- Resolving conflict with a document or between sections.

Unit 5: Negotiation and Resolution of Disputes

- Contract negotiation.
- Dispute resolution clauses.
- Unequal bargaining positions.
- Negotiation, compromise, and settlement.
- Litigation.
- Arbitration.
- Alternative methods of resolving disputes.
- Mediation.
- Conciliation.
- Early neutral evaluation.
- Expert determination.
- Mini-arbitration.
- Pendulum arbitration.